



Chapter 5: Criminal Justice Recommendations

Recommendations under this heading focus on the law enforcement, prosecutorial and judicial responses to domestic and sexual violence incidents. Both systems level and practical issues need to be addressed in order to ensure victim safety and abuser accountability. Issues involving service and process of Orders of Protection are also a key focus of this section.

Recommendations

Criminal Justice

Policies and procedures should be established for law enforcement to identify children and vulnerable adults present at all domestic violence scenes, whether or not the children or vulnerable adults are victims or witnesses in any particular case. Presently, unless they are direct victims of abuse or witnesses, they are rarely offered services or documented in police incident reports. By consistently identifying these children and vulnerable adults, service needs can be determined and provided, thereby reducing the likelihood of future domestic violence. Pima County's Breaking the Cycle program is an excellent example of how best to accomplish this goal, where law enforcement officers call Crisis Response Teams to scenes where children are present. Volunteers on the Crisis Response Teams provide age-appropriate information and resources to the families and children. In addition, the Pima County Attorney's Victim Witness Program follows up with the families and children.

Criminal Justice: 5.1

Identify children and vulnerable adults present at all domestic violence scenes.

Criminal Justice: 5.2

Ensure abuser's conditions of release are documented and treated in a way that ensures victim safety.

Offenders released from custody must comply with court-ordered Conditions of Release such as staying away from the victim both at home and work, surrendering firearms to law enforcement, and reappearing in court at set dates. Currently, offenders' release conditions are not relayed to victims, nor are they readily accessible to law enforcement officers in the field in all 15 counties. Release conditions would be a more effective accountability tool if they were entered into a centralized database, similar to what occurs for Orders of Protection. This database could then be easily accessed by officers in the field, thereby increasing the likelihood of enforcement of Conditions of Release.

Criminal Justice: 5.3

Provide information to the community, law enforcement, the courts, and advocates about the issues of stalking, laws related to stalking, and how to develop a safety plan for someone who is being stalked.

According to the Stalking Resource Center of the National Center for Victims of Crime, 88% of female homicide victims and 68% of attempted female homicide victims were stalked by their former partners. An equally alarming number of women were stalked and killed by their current partners. Stalking is a high predictor of lethality, and advocates, law enforcement and other service providers need to have the knowledge and skills to adequately respond to victims who are being stalked by providing victims with safety planning.



An Order of Protection is a critical tool that victims of domestic violence have at their disposal, to help ensure their protection and safety from an abuser who may not be in police custody. Presently, there are many different policies, procedures and practices regarding how Orders of Protection are issued and served throughout the state. To increase the intended validity and credibility, an Order of Protection should be treated the same regardless of the jurisdiction in which it was issued, served or enforced. Potentially, legislation may be needed to clarify that law enforcement shall serve, or cause to be served, an Order of Protection regardless of the jurisdiction in which it was issued.

Criminal Justice: 5.4

Ensure that procedures for obtaining, documenting, serving and enforcing Orders of Protection are as similar/consistent as possible throughout the state.

Arizona state law mandates arrest of one or both parties in domestic violence situations in which there probable cause to believe there is an “infliction of physical injury or a discharge, use or threatening exhibition of a deadly weapon or dangerous instrument”.¹⁵ Where an officer is unable to determine specifically which participant was the predominant aggressor and which may be entitled to consideration of self-defense, a dual arrest often results. Along with training, dual arrest protocols and procedures need to be developed so they are consistent throughout the state. If protocols, procedures and training do not adequately address the issue, legislation detailing a “predominant aggressor” definition and mandated training may be necessary.

Criminal Justice: 5.5

Develop protocols, procedures and training modules for law enforcement in order to minimize the occurrence of dual arrests.

¹⁵ ARS 13-3601, subsection B

